

REMARKS

Claims 1-16 are pending in the present application. By this Amendment, claim 1 has been amended. Support for the amendment to claim 1 is found at least at page 5, lines 21-25, of the specification. No new matter has been added.

Claims 1-16 are rejected under 35 §U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. 2003/0092939 to Strofer et al.

By this Amendment, claim 1 has been amended to recite that the liquid streams I and II are fed to a rectification column in such a manner that a higher feed point to the rectification column is chosen for the liquid stream II than for the liquid stream I. The previously recited claim feature of an identical feed point has herewith been canceled from claim 1.

As appreciated by the Examiner, Strofer, at Fig. 2, fails to teach that metal formate is fed to the separation unit 9 through a higher feed point than formic acid stream 5. Instead, formic acid and metal formate are mixed in mixer 8 prior to being fed into separation unit 9.

Moreover, as Strofer teaches that metal formate and formic acid are mixed prior to the addition into the separation unit to form the corresponding acid formate. Thus, Strofer cannot reasonably be considered to suggest features corresponding to the metal formate acting as an entrainer for the formic acid, as recited in amended claim 1.

Claims 2-15 are in condition for allowance for at least their respective dependence on an allowable claim 1, as well as for the separately patentable subject matter that each of these claims recites.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 13156-00048-US1 from which the undersigned is authorized to draw.

Dated: May 18, 2010

Respectfully submitted,

Electronic signature: /Georg M. Hasselmann/
Georg M. Hasselmann
Registration No.: 62,324
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
P. O. Box 2207
Wilmington, Delaware 19899-2207
(302) 658-9141
(202) 293-6229 (Fax)
Attorney for Applicant